



U.S. Department
of Transportation

**Federal Highway
Administration**

Memorandum

Subject: **INFORMATION:** Division's Role in
Implementation of the CAA Transportation
Conformity Requirements

Date: July 1, 1998

From: *Kenneth R. Wylie*
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Administrator

Reply to: HEP-40
Attn of: L. Garliauskas, x62068

To: Regional Administrators
Division Administrators
Federal Lands Highway Program Administrator

The purpose of this memorandum is to stress the importance of the division offices increased involvement in transportation and air quality planning activities, especially in light of the upcoming field reorganization and the growing number of areas in, or facing, a conformity lapse. As you know, the passage of the Clean Air Act Amendments of 1990 and ISTEA in 1991 strengthened the integration of the transportation and air quality planning processes. A number of you have already been working with your Federal partners and regional offices to ensure proper coordination and integration of these planning processes. Continued and enhanced coordination and cooperation is needed especially since an increasing number of areas are facing various challenges in meeting commitments that were made in State (air quality) Implementation Plans (SIPs). Failure to meet such commitments can result in conformity lapses, which restrict the type of transportation projects that can go forward. In addition, EPA's adoption of more stringent air quality standards, will double the number of counties in violation of the ozone standard and quadruple the number of counties in violation of the particulate matter standard in the coming years, thus making the transportation conformity process even more challenging.

I am taking this opportunity to remind you of the importance of FHWA's role in helping the transportation community constructively participate in meeting air quality goals:

- The FHWA must seriously address our air quality responsibilities and demonstrate our sincere commitment to implement the requirements of the CAA. The FHWA must also maintain effective coordination with EPA, State and local air quality and transportation agencies and MPOs and give thoughtful attention to their input.
- The FHWA must help improve the level of awareness among public officials and the public of the options, trade-offs and costs and benefits of achieving both our air quality and mobility goals.

- The FHWA, together with State DOTs, MPOs, and FTA, needs to be more actively involved in the development of the transportation-related provisions of the SIPs. This is necessary to ensure that such provisions are realistic, fundable, and effective in improving air quality. Without this coordination, conformity determinations for transportation plans, programs, and projects can be jeopardized.
- Planning certification review teams should note deficiencies in the integrated transportation and air quality planning processes as part of their certification reviews and field offices of DOT and EPA should work with stakeholders to correct such deficiencies.

Moreover, FHWA and FTA must have consistent and coordinated conformity determinations. With the field reorganization, that coordination will come from the divisions. Therefore, Division Administrators should promote cooperation and conflict resolution among Federal Agencies at the earliest indications of any disagreement in the transportation conformity process, the NEPA process, or the SIP development process. Conflicts should be forwarded to Headquarters for resolution only after all efforts at the division level have been exhausted. I encourage the divisions to use the planning and air quality resources within the resource centers as needed.

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